

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN STEWART and RUZA STEWART

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06CV409 LTS-RHW

**STATE FARM FIRE AND CASUALTY COMPANY
and FELICIA L. PALMER**

DEFENDANTS

OPINION AND ORDER OF DISMISSAL

The Court has before it the motion of Defendant Felicia Craft Palmer (Palmer), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss her from this action [7]. I will grant this motion.

It appears from the affidavits filed in response to my order of July 31, 2006, that the plaintiffs were in error in naming Palmer as a defendant. In fact, Palmer did not engage in the conduct alleged in the complaint. Since this is the case, Palmer is entitled to be dismissed from this action.

Accordingly, it is hereby

ORDERED and ADJUDGED

That the motion to dismiss [7] filed by Defendant Felicia Craft Palmer is hereby **GRANTED**;

That the allegations of the complaint pertaining to Defendant Felicia Craft Palmer are hereby **DISMISSED**;

That Defendant Felicia Craft Palmer is hereby **DISMISSED** from this action with prejudice.

SO ORDERED AND ADJUDGED this 31st day of October, 2006.

s/L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge